

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Gary Selinsky, et al.  
Robert M. Zwayer, et al.  
Michael A. Dubaich, et al.  
Donald J. Nelsen  
Larry Webb, et al.  
Timothy G. Harms  
Timothy L. Estep  
Mary Conway  
Dennis M. Scharpen, et al.  
Gary E. Charbonneau, et al.  
Todd R. Cain  
Manuel A. Quintela, et al.  
Thaddeus R. Fayard  
Hylton H. Dodd  
Michael W. Averitt, et al.  
William F. Courtney, et al.  
Richard I. Bloom, et al.  
Joyce A. Anderson  
Kathleen R. Frye

Civil No. 06-873 JMR/FLN  
Civil No. 06-874 JMR/FLN  
Civil No. 06-875 JMR/FLN  
Civil No. 06-876 JMR/FLN  
Civil No. 06-898 JMR/FLN  
Civil No. 06-899 JMR/FLN  
Civil No. 06-900 FMR/FLN  
Civil No. 06-901 JMR/FLN  
Civil No. 06-1206 JMR/FLN  
Civil No. 06-1215 JMR/FLN  
Civil No. 06-1582 JMR/FLN  
Civil No. 06-1675 JMR/FLN  
Civil No. 06-2144 JMR/FLN  
Civil No. 06-2145 JMR/FLN  
Civil No. 06-2194 JMR/FLN  
Civil No. 06-2546 JMR/FLN  
Civil No. 06-2577 JMR/FLN  
Civil No. 06-2578 JMR/FLN  
Civil No. 06-2662 JMR/FLN

Plaintiffs,

v.

**ORDER**

Boehringer Ingelheim Pharmaceuticals,  
Inc., a Delaware corporation, Pfizer Inc., a  
Delaware corporation, Pharmacia  
Corporation, a Delaware corporation, and  
Pharmacia & Upjohn Company LLC,

Defendants.

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THIS MATTER came before the undersigned United States Magistrate Judge on September 26, 2006, on Plaintiffs' Motion to Compel Production of Documents With Patient Code Numbers Unredacted.

The Court, having duly considered the motion, pleadings, memoranda, and having heard and considered the arguments of the parties, hereby finds and orders as follows:

- (1) Plaintiffs seek to require Defendants, as part of Defendants' document production, to remove all redactions of randomly-assigned patient identification numbers given to clinical trial participants.
- (2) Defendants contend that, pursuant to 21 CFR § 20.63, and in an effort to protect patient privacy, Defendants redacted from their document production all information that could lead, directly or indirectly, to the disclosure of the identity of any patient. This includes patient names, initials, addresses, geographical locations, and the randomly-assigned patient identification numbers given to clinical trial participants.
- (3) Plaintiffs contend that it was improper for Defendants to redact the randomly-assigned patient identification numbers given to clinical trial participants because those numbers do not provide any identifying information about the participants and their redaction is not required by 21 CFR § 20.63.
- (4) While the Court recognizes an interest in protecting patient privacy, the Federal Rules of Civil Procedure permit a party to obtain information that is reasonably calculated to lead to the discovery of admissible evidence

provided this does not violate any protected privacy rights. Thus, having concluded that the patient identification numbers can be disclosed without violating protected privacy interests, Defendants shall remove all redactions of the randomly-assigned patient identification numbers from their production and shall not redact such numbers in any supplemental productions.

- (5) Documents produced by Defendants under the terms of this Order shall be deemed Confidential under the terms of this Court's Protective Order dated August 3, 2006.
- (6) Further, the use of the information contained within the documents produced under the terms of this Order shall be strictly limited to Plaintiffs' pursuit of their claims in this litigation. Plaintiffs, their attorneys, or their agents, including, but not limited to, office associates, legal assistants, stenographic employees, clerical employees, investigators, and outside independent consultants or persons associated with Plaintiffs' counsel, shall not, under any circumstances, use the information to discover the identity of any patient or to contact or consult any patient.

Dated: September 29, 2006

s/ Franklin L. Noel  
The Honorable Franklin L. Noel  
U.S. Magistrate Judge  
United States District Court